

REMARKS

Claims 1-27 and 41-53 are pending in the present application. Claims 28-40 and 54-62 have been withdrawn from consideration as being directed to a non-elected invention. Claim 48 is being amended herewith. Support for this amendment can be found generally throughout the specification. Applicants respectfully request reconsideration of the present application in view of the foregoing amendment and the following remarks.

The Office Action:

Claim 48 was objected to as being a substantial duplicate of Claim 41. Claims 41 and 48 were rejected under 35 U.S.C. § 102(b) as being completely anticipated and unpatentable in view of the patent to English, Jr. (U.S. Patent No. 4,267,927). Claims 1-27, 42-47 and 49-53 were allowed. Applicants traverse the foregoing rejections.

The Claim Objection:

Claim 48 was objected to as being a substantial duplicate of Claim 41. Applicants are amending herewith Claim 48 so that it is not a substantial duplicate of Claim 41. Applicants submit that the amendment of Claim 48 obviates the objection.

The Rejection Under 35 U.S.C. § 102:

Claims 41 and 48 were rejected under 35 U.S.C. § 102(b) as being completely anticipated and unpatentable in view of the patent to English, Jr. The rejection states that English, Jr. teaches a method of forming a product including applying to a layer of bubble pack 38 having a plurality of bubbles that extend outwardly from pack 38 and also have interstices between adjacent bubbles a viscoelastic composition 34, such that composition 34

at least partially fills the interstices of pack 38, and curing the composition 34. Applicants respectfully disagree.

The patent to English, Jr. relates to a method of packaging fragile items. English, Jr. discloses a two-piece container, such as a top and bottom portion. In the bottom portion is disposed a shaped liner made from bubble pack. A fragile object is placed on the shaped liner, the top portion is placed on the bottom portion and a foam is injected into the hollow portion of the container. The foam fills the remaining void volume of the box and holds the fragile object in place against the bubble pack.

Although the foam used by English, Jr. may fill the interstices between the bubbles of the bubble pack, the English, Jr. invention would function equally as well if the flat side of the bubble pack interfaced with the foam so that the foam did not fill the interstices of the bubble pack. Therefore, the fact that the interstices are at least partially filled with foam is purely coincidental in English, Jr., and any advantage obtained by it is completely unappreciated by English, Jr.

Nevertheless, English, Jr. does not disclose a viscoelastic polyurethane, as the present rejection suggests. English, Jr. describes his foam as follows:

The detailed construction of the pressurized plastic forming and applying gun 48 are not shown, since such are well-known in the art. Usually, in such arrangements, the various chemical constituents which will produce a foam plastic material are supplied to a common pressurized chamber, such as that indicated fragmentarily at 54, just prior to being fed into the region where the plastic foam is desired to be formed and in the example illustrated, such just-mixed well-known plastic foam-producing chemicals are effectively combined in the fragmentarily-shown chamber 54 just prior to being pressure-fed through the hollow nozzle 50 into the interior chamber 26 where the remainder of the plastic foam-forming operation is completed in an entirely conventional manner. The plastic foam material 36 provided by the just-described foaming-in-place operation may be polyurethane, polystyrene or any other suitable plastic material capable of such

foaming action. As will be briefly described hereinafter, with reference to FIGS. 7 through 11, the foam plastic-producing constituents may also be provided with combustion-inhibiting means comprising a quantity of appropriately-located heat-responsive combustion-inhibiting means which may, in one preferred form, be applied most conveniently, along with the feeding of the plastic foam-producing constituents. This will be described more fully hereinafter.

As indicated above, English, Jr. treats polyurethane and polystyrene as interchangeable compositions. English, Jr. assigns no special value to the type of polyurethane used, and makes no mention whatsoever of viscoelastic polyurethane. Thus, English, Jr. does not disclose the use of viscoelastic polyurethane.

In order for English, Jr. to anticipate Claims 41 and 48 as alleged by the present rejection, English, Jr. must disclose every element of the claims. Since both Claims 41 and 48 require the use of viscoelastic polyurethane, English, Jr. cannot anticipate Claims 41 and 48. Accordingly, applicants respectfully submit that the rejection of Claims 41 and 48 in view of the patent to English, Jr. is improper and should be withdrawn.

Allowed Claims:

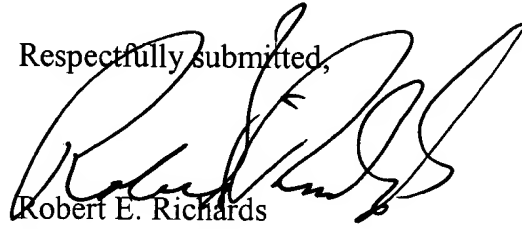
Claims 1-27, 42-47 and 49-53 were allowed. Applicant submits that the foregoing amendments and arguments show that all claims are now in condition for allowance.

Conclusion:

Applicants respectfully request reconsideration of the present application in view of the foregoing amendment and remarks. Applicants submit that all claims are in condition for allowance. Such action is courteously solicited. Applicants further request that

the Examiner call the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,



Robert E. Richards
Reg. No. 29,105

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6500
Our Docket: 20150-0520 (45882-252580)